

92^D CONGRESS
2^D SESSION

S. 3507

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1972

Referred to the Committee on Merchant Marine and Fisheries

AN ACT

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to provide for a comprehen-
4 sive, long range, and coordinated national program in ma-
5 rine science, to establish a National Council on Marine Re-
6 sources and Engineering Development, and a Commission
7 on Marine Science, Engineering, and Resources, and for
8 other purposes", approved June 17, 1966 (80 Stat. 203),
9 as amended (33 U.S.C. 1101-1124), is further amended by
10 adding at the end thereof the following new title:

1 "TITLE III—MANAGEMENT OF THE COASTAL
2 ZONE

3 “SHORT TITLE

4 “Sec. 301. This title may be cited as the ‘Magnuson
5 Coastal Zone Management Act of 1972’.

6 "CONGRESSIONAL FINDINGS

7 “SEC. 302. The Congress finds that—

8 “(a) There is a national interest in the effective man-
9 agement, beneficial use, protection, and development of the
10 coastal zone;

11 “(b) The coastal zone is rich in a variety of natural,
12 commercial, recreational, industrial, and esthetic resources
13 of immediate and potential value to the present and future
14 well-being of the Nation;

“(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

1 “(d) The coastal zone, and the fish, shellfish, other
2 living marine resources, and wildlife therein, are ecologically
3 fragile and consequently extremely vulnerable to destruction
4 by man’s alterations;

5 “(e) Important ecological, cultural, historic, and esthetic
6 values in the coastal zone which are essential to the well-
7 being of all citizens are being irretrievably damaged or lost;

8 “(f) Special natural and scenic characteristics are being
9 damaged by ill-planned development that threatens these
10 values;

11 “(g) In light of competing demands and the urgent
12 need to protect and to give high priority to natural systems
13 in our coastal zone, present coastal State and local institu-
14 tional arrangements for planning and regulating land and
15 water uses in such areas are inadequate; and

16 “(h) The key to more effective use of the land and
17 water resources of the coastal zone is to encourage the
18 coastal states to exercise their full authority over the lands
19 and waters in the coastal zone by assisting the coastal States,
20 in cooperation with Federal and local governments and other
21 vitally affected interests, in developing land and water use
22 programs for the coastal zone, including unified policies, cri-
23 teria, standards, methods, and processes for dealing with
24 land and water use decisions of more than local significance.

1 “DECLARATION OF POLICY

2 “SEC. 303. The Congress finds and declares that it is the
3 national policy:

4 “(a) To preserve, protect, develop, and where possible
5 to restore, the resources of the Nation’s coastal zone for this
6 and succeeding generations; (b) To encourage and assist
7 the States to exercise effectively their responsibilities in the
8 coastal zone through the preparation and implementation of
9 management programs to achieve wise use of the land and
10 water resources of the coastal zone giving full consideration to
11 ecological, cultural, historic, and esthetic values as well as to
12 needs for economic development. (c) For all Federal agen-
13 cies engaged in programs affecting the coastal zone to coop-
14 erate and participate with State and local governments and
15 regional agencies in effectuating the purposes of this Act.
16 And, (d) To encourage the participation of the public, of
17 Federal, coastal State, and local governments and of regional
18 agencies in the development of coastal zone management pro-
19 grams. With respect to implementation of such management
20 programs, it is the national policy to encourage cooperation
21 among the various coastal State and regional agencies includ-
22 ing establishment of interstate and regional agreements, co-
23 operative procedures, and joint action, particularly regarding
24 environmental problems.

1 "DEFINITIONS

2 "SEC. 304. For the purposes of this title—

3 "(a) 'Coastal zone' means the coastal waters (includ-
4 ing the lands therein and thereunder) and the adjacent
5 shorelands (including the waters therein and thereunder),
6 strongly influenced by each other and in proximity to the
7 shorelines of the several coastal States, and includes transi-
8 tional and intertidal areas, salt marshes, wetlands, and
9 beaches. The zone terminates, in Great Lakes waters, at the
10 international boundary between the United States and
11 Canada and, in other areas, extends seaward to the outer
12 limit of the legally recognized territorial seas of the respective
13 coastal States, but shall not extend beyond the limits of State
14 jurisdiction as established by the Submerged Lands Act of
15 May 22, 1953, and the Outer Continental Shelf Act of 1953.
16 The zone extends inland from the shorelines only to the extent
17 necessary to control shorelands, the uses of which have a
18 direct and significant impact on the coastal waters. Excluded
19 from the coastal zone are lands the use of which is by law
20 subject solely to the discretion of or which is held in trust
21 by the Federal Government, its officers or agents.

22 "(b) 'Coastal waters' means (1) in the Great Lakes
23 area, the waters within the territorial jurisdiction of the
24 United States consisting of the Great Lakes, their connecting
25 waters, harbors, roadsteads, and estuary-type areas such as

1 bays, shallows, and marshes and (2) in other areas, those
2 waters, adjacent to the shorelines, which contain a measur-
3 able tidal influence, including, but not limited to, sounds,
4 bays, lagoons, bayous, pounds, and estuaries.

5 “(c) ‘Coastal State’ means a State of the United States
6 in, or bordering on, the Atlantic, Pacific, or Arctic Ocean,
7 the Gulf of Mexico, Long Island Sound, or one or more of
8 the Great Lakes. For the purposes of this title, the term
9 includes Puerto Rico, the Virgin Islands, Guam, and Amer-
10 ican Samoa.

11 “(d) ‘Estuary’ means that part of a river or stream or
12 other body of water having unimpaired connection with the
13 open sea, where the sea water is measurably diluted with
14 fresh water derived from land drainage. The term includes
15 estuary-type areas of the Great Lakes.

16 “(e) ‘Estuarine sanctuary’ means a research area which
17 may include any part or all of an estuary, adjoining transi-
18 tional areas, and adjacent uplands, constituting to the extent
19 feasible a natural unit, set aside to provide scientists and
20 students the opportunity to examine over a period of time the
21 ecological relationships within the area.

22 “(f) ‘Secretary’ means the Secretary of Commerce.

23 “(g) ‘Management program’ means a comprehensive
24 statement in words, maps, illustrations, or other media of
25 communication, prepared and adopted by the coastal State in

1 accordance with the provisions of this title, setting forth objec-
2 tives, policies, and standards to guide public and private uses
3 of lands and waters in the coastal zone so as to minimize
4 direct, significant, and adverse impact on the coastal waters,
5 and governmental structure capable of implementing such a
6 program.

7 “(h) ‘Water use’ means activities which are conducted
8 in or on the water; but does not mean or include the estab-
9 lishment of any water quality standard or criteria or the regu-
10 lation of the discharge or runoff of water pollutants except
11 such standards, criteria or regulations shall be incorporated
12 in any program as provided by section 314 (e).

13 “MANAGEMENT PROGRAM DEVELOPMENT GRANTS

14 “SEC. 305. (a) The Secretary is authorized to make
15 annual grants to any coastal State for the purpose of assisting
16 in the development of a management program for the land
17 and water resources of its coastal zone.

18 “(b) Such management program shall include:

19 “(1) an identification of the boundaries of the
20 coastal zone of the portions of the coastal State subject
21 to the management program;

22 “(2) a definition of what shall constitute per-
23 missible land and water uses within the coastal zone
24 so as to prevent such uses which have a direct, sig-
25 nificant, and adverse impact on the coastal waters;

1 “(3) an inventory and designation of areas of
2 particular concern within the coastal zone;

3 “(4) an identification of the means by which the
4 coastal State proposes to exert control over land and
5 water uses, within the coastal zone so as to prevent such
6 uses which have a direct, significant, and adverse im-
7 pact on the coastal waters: including a listing of rele-
8 vant constitutional provisions, legislative enactments,
9 regulations, and judicial decisions;

10 “(5) broad guidelines on priority of uses in partic-
11 ular areas, including specifically those uses of lowest
12 priority;

13 “(6) a description of the organizational structure
14 proposed to implement the management program, in-
15 cluding the responsibilities and interrelationships of area-
16 wide, coastal State, and regional agencies in the manage-
17 ment process.

18 “(c) The grants shall not exceed $66\frac{2}{3}$ per centum of the
19 costs of the program in any one year and no State shall be
20 eligible to receive more than three annual grants pursuant to
21 this section. Federal funds received from other sources shall
22 not be used to match such grants. In order to qualify for
23 grants under this section, the coastal State must reasonably
24 demonstrate to the satisfaction of the Secretary that such
25 grants will be used to develop a management program con-

1 sistent with the requirements set forth in section 306 of this
2 title. After making the initial annual grant to a coastal State,
3 no subsequent grant shall be made under this section unless
4 the Secretary finds that the coastal State is satisfactorily
5 developing such management program.

6 “(d) Upon completion of the development of the State’s
7 management program, the coastal State shall submit such
8 program to the Secretary for review, approval pursuant to
9 the provisions of section 306 of this title, or such other action
10 as he deems necessary. On final approval of such planned
11 program by the Secretary, the coastal State’s eligibility for
12 further grants under this section shall terminate, and the
13 coastal State shall be eligible for grants under section 306 of
14 this title.

15 “(e) Grants under this section shall be allotted to the
16 coastal States based on rules and regulations promulgated by
17 the Secretary: *Provided, however,* That no management
18 program development grant under this section shall be made
19 in excess of 10 per centum nor less than 1 per centum of
20 the total amount appropriated to carry out the purposes of
21 this section.

22 “(f) Grants or portions thereof not obligated by a
23 coastal State during the fiscal year for which they were first
24 authorized to be obligated by the coastal State, or during

1 the fiscal year immediately following, shall revert to the
2 Secretary, and shall be added by him to the funds available
3 for grants under this section.

4 “(g) With the approval of the Secretary the coastal
5 State may allocate to a local government, to an areawide
6 agency designated under section 204 of the Demonstration
7 Cities and Metropolitan Development Act of 1966 or to an
8 interstate agency a portion of the grant under this section
9 for the purpose of carrying out the provisions of this section.

10 “(h) The authority to make grants under this section
11 shall expire five years from the date of enactment of this
12 title.

13 “(i) The Secretary is authorized to make management
14 program development or administrative grants to a political
15 subdivision of a State with areawide powers, if the Secretary
16 finds that the State has not developed a management program
17 required by section 306 of this title: *Provided*, That if the
18 State completes such a program the authority of this sub-
19 section shall terminate with regard to any political subdivi-
20 sion of such State.

21 “ADMINISTRATIVE GRANTS

22 “SEC. 306. (a) The Secretary is authorized to make an-
23 nual grants to any coastal State for not more than 66 $\frac{2}{3}$ per
24 centum of the costs of administering the coastal State’s man-
25 agement program, if he approves such program in accord-

1 ance with subsection (c) hereof. Federal funds received
2 from other sources shall not be used to pay the coastal
3 State's share of costs.

4 “(b) Such grants shall be allotted to the coastal States
5 with approved programs based on rules and regulations
6 promulgated by the Secretary which shall take into account
7 the extent and nature of the shoreline and area covered by
8 the plan, population of the area, and other relevant factors:
9 *Provided, however,* That no annual administrative grant
10 under this section shall be made in excess of 10 per centum,
11 nor less than 1 per centum of the total amount appropriated
12 to carry out the purposes of this section.

13 “(c) Prior to granting approval of a management pro-
14 gram submitted by a coastal State, the Secretary shall find:

15 “(1) The coastal State has developed and adopted
16 a management program for its coastal zone in accord-
17 ance with rules and regulations promulgated by the
18 Secretary, which shall be in accordance with the objec-
19 tives of this Act, after notice, and with the opportunity
20 of full participation by relevant Federal agencies,
21 coastal State agencies, local governments, regional orga-
22 nizations, port authorities, and other interested parties,
23 public and private, which is adequate to carry out the
24 purposes of this title.

25 “(2) The coastal State has:

1 “(A) coordinated with local, areawide, and
2 interstate plans applicable to areas within the coastal
3 zone existing on January 1 of the year in which the
4 coastal State’s management program is submitted to
5 the Secretary, which plans have been developed by
6 a local government, an interstate agency, or an area-
7 wide agency designated pursuant to regulations
8 established under section 204 of the Demonstration
9 Cities and Metropolitan Development Act of 1966;
10 and

11 “(B) established an effective mechanism for
12 continuing consultation and coordination between
13 the management agency designated pursuant to
14 paragraph (5) of this subsection and with local
15 governments, interstate agencies, and areawide
16 agencies within the coastal zone to assure the full
17 participation of such local governments and agen-
18 cies in carrying out the purposes of this title.

19 “(3) The coastal State has held public hearings in
20 the development of the management program.

21 “(4) The management program and any changes
22 thereto have been reviewed and approved by the Gov-
23 ernor.

24 “(5) The Governor of the coastal State has desig-
25 nated a single agency to receive and administer the

1 grants for implementing the management program re-
2 quired under paragraph (1) of this subsection.

3 “(6) The coastal State is organized to implement
4 the management program required under paragraph
5 (1) of this subsection.

6 “(7) The coastal State has the authorities neces-
7 sary to implement the program, including the authority
8 required under subsection (d) of this section.

9 “(d) Prior to granting approval of the management
10 program, the Secretary shall find that the coastal State, act-
11 ing through its chosen agency or agencies (including local
12 governments, interstate agencies, or area-wide agencies desig-
13 nated under section 204 of the Demonstration Cities and
14 Metropolitan Development Act of 1966), has authority for
15 the management of the coastal zone in accordance with
16 the management program. Such authority shall include
17 power—

18 “(1) to administer land and water use regulations,
19 control development in order to ensure compliance with
20 the management program, and to resolve conflicts
21 among competing uses; and

22 “(2) to acquire fee simple and less than fee sim-
23 ple interests in lands, waters, and other property
24 through condemnation or other means when necessary
25 to achieve conformance with the management program.

1 “(c) Prior to granting approval, the Secretary shall
2 also find that the program provides:

3 “(1) for any one or a combination of the following
4 general techniques for control of land and water uses
5 within the coastal zone:

6 “(A) Coastal State establishment of criteria
7 and standards for local implementation, subject
8 to administrative review and enforcement of
9 compliance;

10 “(B) Direct coastal State land and water use
11 planning and regulations; or

12 “(C) Coastal State administrative review for
13 consistency with the management program of all
14 development plans, projects, or land and water use
15 regulations, including exceptions and variances
16 thereto, proposed by any coastal State or local
17 authority or private developer, with power to
18 approve or disapprove after public notice and an
19 opportunity for hearings.

20 “(2) for a method of assuring that local land and
21 water use regulations within the coastal zone do not
22 unreasonably restrict or exclude land and water uses of
23 regional benefit.

24 “(f) With the approval of the Secretary, a coastal State
25 may allocate to a local government, to an interstate agency,

1 or an areawide agency designated under section 204 of the
2 Demonstration Cities and Metropolitan Development Act of
3 1966 a portion of the grant under this section for the purpose
4 of carrying out the provisions of this section: *Provided*, That
5 such allocation shall not relieve the coastal State of the re-
6 sponsibility for ensuring that any funds so allocated are ap-
7 plied in furtherance of such coastal State's approved manage-
8 ment program.

9 " (g) The coastal State shall be authorized to amend the
10 management program. The modification shall be in accord-
11 ance with the procedures required under subsection (c)
12 of this section. Any amendment or modification of the pro-
13 gram must be approved by the Secretary before additional
14 administrative grants are made to the coastal State under
15 the program as amended.

16 " (h) At the discretion of the coastal State and with the
17 approval of the Secretary, a management program may be
18 developed and adopted in segments so that immediate atten-
19 tion may be devoted to those areas within the coastal zone
20 which most urgently need management programs: *Provided*,
21 That the coastal State adequately provides for the ultimate
22 coordination of the various segments of the management pro-
23 gram into a single unified program and that the unified
24 program will be completed as soon as is reasonably prac-
25 ticable.

1 “(i) The Secretary is authorized to make management
2 program development or administrative grants to a political
3 subdivision of a State with areawide powers, if the Secretary
4 finds that the State has not developed a management pro-
5 gram required by section 306 of this title: *Provided*, That if
6 the State completes such a program the authority of this
7 subsection shall terminate with regard to any political sub-
8 division of such State.

9 “PUBLIC HEARINGS

10 “SEC. 307. All public hearings by nonfederal entities
11 required under this title must be announced at least thirty
12 days before they take place, and all relevant materials, docu-
13 ments, and studies must be made readily available to the
14 public for study at least thirty days in advance of the actual
15 hearing or hearings.

16 “RULES AND REGULATIONS

17 “SEC. 308. The Secretary shall develop and promul-
18 gate, pursuant to section 553 of title 5, United States Code,
19 after notice and opportunity for full participation by relevant
20 Federal agencies, coastal State agencies, local governments,
21 regional organizations, port authorities, and other interested
22 parties, both public and private, such rules and regulations as
23 may be necessary to carry out the provisions of this title.

1 "REVIEW PERFORMANCE

2 "SEC. 309. (a) The Secretary shall conduct a continu-
3 ing review of the management programs of the coastal States
4 and of the performance of each coastal State.

5 "(b) The Secretary shall have the authority to termi-
6 nate any financial assistance extended under section 306
7 and to withdraw any unexpended portion of such assistance
8 if (1) he determines that the coastal State is failing to
9 adhere to and is not justified in deviating from the program
10 approved by the Secretary, and (2) the coastal State has
11 been given notice of proposed termination and withdrawal
12 and given an opportunity to present evidence of adherence
13 or justification for altering its program.

14 "RECORDS

15 "SEC. 310. (a) Each recipient of a grant under this
16 title shall keep such records as the Secretary shall prescribe,
17 including records which fully disclose the amount and dis-
18 position of the funds received under the grant, the total
19 cost of the project or undertaking supplied by other sources,
20 and such other records as will facilitate an effective audit.

21 "(b) The Secretary and the Comptroller General of the
22 United States, or any of their duly authorized representatives,
23 shall have access for the purpose of audit and examination to

1 any books, documents, papers, and records of the recipient of
 2 the grant that are pertinent to the determination that funds
 3 granted are used in accordance with this title.

4 "NATIONAL COASTAL RESOURCES BOARD

5 "SEC. 311. (a) There is hereby established, in the Exec-
 6 utive Office of the President, the National Coastal Resources
 7 Board (hereinafter called the 'Board') which shall be com-
 8 posed of—

9 " (1) The Vice President, who shall be Chairman
 10 of the Board.

11 " (2) The Secretary of State.

12 " (3) The Secretary of the Navy.

13 " (4) The Secretary of the Interior.

14 " (5) The Secretary of Commerce.

15 " (6) The Chairman of the Atomic Energy Com-
 16 mission.

17 " (7) The Director of the National Science Foun-
 18 dation.

19 " (8) The Secretary of Health, Education, and
 20 Welfare.

21 " (9) The Secretary of Transportation.

22 " (10) The Administrator of the Environmental
 23 Protection Agency.

24 "Executive Appointments

25 " (b) The President may name to the Board such other
 26 officers and officials as he deems advisable.

1 “Alternate Presiding Officer Over Board Meetings

2 “(c) The President shall from time to time designate
3 one of the members of the Board to preside over meetings
4 of the Board during the absence, disability, or unavail-
5 ability of the Chairman.

6 “Alternates for Service on the Board

7 “(d) Each member of the Board, except those desig-
8 nated pursuant to subsection (b) of this section, may des-
9 ignate any officer of his department or agency appointed
10 with the advice and consent of the Senate to serve on the
11 Board as his alternate in his unavoidable absence.

12 “Personnel; Civilian Executive Secretary

13 “(e) The Board may employ a staff to be headed by a
14 civilian executive secretary who shall be appointed by the
15 President and shall receive compensation at a rate estab-
16 lished by the President at not to exceed that of level II of
17 the Federal Executive Salary Schedule. The executive secre-
18 tary, subject to the direction of the Board, is authorized to
19 appoint and fix the compensation of such personnel, includ-
20 ing not more than seven persons who may be appointed with-
21 out regard to civil service laws or chapter 51 and subchapter
22 III of chapter 53 of title 5 and compensated at not to
23 exceed the highest rate of grade 18 of the General Schedule
24 as may be necessary to perform such duties as may be pre-
25 scribed by the President.

1 “(f) The Board shall meet regularly at such times as
2 the Chairman may direct and shall have the following
3 duties:

4 “(1) to provide for the effective coordination be-
5 tween programs of the Federal agencies within the
6 coastal zone;

7 “(2) in the case of serious disagreement between
8 any Federal agency and a coastal State in the develop-
9 ment of the program, the Board shall seek to mediate the
10 differences; and

11 “(3) to provide a forum for appeals by an ag-
12 grievied areawide planning entity or unit of local gov-
13 ernment from any decision or action of the Secretary
14 or areawide planning entity.

15 “ADVISORY COMMITTEE

16 “SEC. 312. (a) The Secretary is authorized to establish
17 a Coastal Zone Management Advisory Committee (here-
18 after referred to ‘the Committee’) to advise, consult with,
19 and make recommendations to the Secretary on matters of
20 policy concerning the coastal zone. Such committee shall be
21 composed of not more than fifteen persons designated by the
22 Secretary and shall perform such functions and operate in
23 such a manner as the Secretary may direct.

24 “(b) Members of the committee who are not regular
25 full-time employees of the United States, while serving on

1 the business of the committee, including traveltime, may
2 receive compensation at rates not exceeding \$100 per diem;
3 and while so serving away from their homes or regular places
4 of business may be allowed travel expenses, including per
5 diem in lieu of subsistence, as authorized by section 5703 of
6 title 5, United States Code, for individuals in the Govern-
7 ment service employed intermittently.

8 "ESTUARINE SANCTUARIES

9 "SEC. 313. (a) The Secretary, in accordance with
10 rules and regulations promulgated by him, is authorized to
11 make available to a coastal State grants up to 50 per centum
12 of the costs of acquisition, development, and operation of
13 estuarine sanctuaries for the purpose of creating natural
14 field laboratories to gather data and make studies of the
15 natural and human processes occurring within and directly
16 affecting the estuaries of the coastal zone. The Federal
17 share of the cost for each such sanctuary shall not exceed
18 \$2,000,000. No Federal funds received pursuant to section
19 306 shall be used for the purpose of this section.

20 "INTERAGENCY COORDINATION AND COOPERATION

21 "SEC. 314. (a) The Secretary shall not approve the
22 management program submitted by a coastal State pursuant
23 to section 306 unless the views of Federal agencies princi-
24 pally affected by such program have been adequately con-
25 sidered. In case of serious disagreement between any Fed-

1 eral agency and a coastal State in the development of the
2 program the Secretary, in cooperation with the National
3 Coastal Resources Board, shall seek to mediate the differ-
4 ences.

5 “(b) (1) All Federal agencies conducting or support-
6 ing activities in the coastal zone shall administer their pro-
7 grams consistent with approved coastal State management
8 programs except in cases of overriding national interest as
9 determined by the President. Procedures provided for in
10 regulations issued pursuant to section 204 of the Demonstra-
11 tion Cities and Metropolitan Development Act of 1966 and
12 title IV of the Intergovernmental Cooperation Act of 1968
13 shall be applied in determining whether Federal projects
14 and activities are consistent with approved management
15 programs.

16 “(2) Federal agencies shall not undertake any develop-
17 ment project in the coastal zone of a coastal State which,
18 in the opinion of the coastal State, is inconsistent with the
19 management program of the coastal State unless the Secre-
20 tary, after receiving detailed comments from both the Fed-
21 eral agency and the coastal State and affected local govern-
22 ments, finds that such project is consistent with the objec-
23 tives of this title, or is informed by the Secretary of Defense
24 and finds that the project is necessary in the interest of
25 national security.

1 “(3) After the final approval by the Secretary of a
2 coastal State’s management program, any applicant for a
3 Federal license or permit to conduct any activity in the
4 coastal and estuarine zone subject to such license or permit,
5 shall provide in the application to the licensing or permitting
6 agency a certification from the appropriate State agency that
7 the proposed activity complies with the State’s approved
8 management program, and that there is reasonable assurance,
9 as determined by the State, that such activity will be con-
10 ducted in a manner consistent with the State’s approved man-
11 agement program. The State shall establish procedures for
12 public notice in the case of all applications for certification by
13 it, and to the extent it deems appropriate, procedures for
14 public hearings in connection with specific applications. If the
15 State agency fails or refuses to act on a request for certifica-
16 tion within six months after receipt of such request, the cer-
17 tification requirements of this subsection shall be waived with
18 respect to such Federal application. No license or permit shall
19 be granted until the certification required by this section has
20 been obtained or has been waived as provided in the pre-
21 ceding sentence, unless, after receipt of detailed comments
22 from the relevant Federal and State agencies, and the pro-
23 vision of an opportunity for a public hearing, the activity
24 is found by the Secretary to be consistent with the objec-
25 tives of this title or necessary in the interest of national

1 security. Upon receipt of such application and certification,
2 the licensing or permitting agency shall immediately notify
3 the Secretary of such application and certification.

4 “(c) Coastal State and local governments submitting
5 applications for Federal assistance under other Federal pro-
6 grams affecting the coastal zone shall indicate the views of
7 the appropriate coastal State or local agency as to the rela-
8 tionship of such activities to the approved management pro-
9 gram for the coastal zone. Such applications shall be sub-
10 mitted and coordinated in accordance with the provisions of
11 title IV of the Intergovernmental Coordination Act of 1968
12 (82 Stat. 1098). Federal agencies shall not approve pro-
13 posed projects that are inconsistent with a coastal State’s
14 management program, except upon a finding by the Secre-
15 tary that such project is consistent with the purposes of this
16 title or necessary in the interest of national security.

17 “(d) Nothing in this Act shall be construed—

18 “(1) to diminish either Federal or State jurisdiction,
19 responsibility, or rights in the field of planning, develop-
20 ment, or control of water resources, submerged lands
21 and navigable waters; nor to displace, supersede, limit,
22 or modify any interstate compact or the jurisdiction or
23 responsibility of any legally established joint or com-
24 mon agency of two or more States, or of two or more

1 States and the Federal Government; not to limit the
2 authority of Congress to authorize and fund projects;

3 “(2) to change or otherwise affect the authority or
4 responsibility of any Federal official in the discharge of
5 the duties of his office except as required to carry out the
6 provisions of this title;

7 “(3) as superseding, modifying, or repealing exist-
8 ing laws applicable to the various Federal agencies,
9 except as required to carry out the provisions of this
10 title; nor to affect the jurisdiction, powers, or preroga-
11 tives of the International Joint Commission, United
12 States and Canada, the Permanent Engineering Board,
13 and the United States Operating Entity or Entities estab-
14 lished pursuant to the Columbia River Basin Treaty,
15 signed at Washington, January 17, 1961, or the Inter-
16 national Boundary and Water Commission, United
17 States and Mexico.

18 “(e) Notwithstanding any other provision of this Act
19 nothing in this Act shall in any way affect any requirement
20 (1) established by the Federal Water Pollution Control
21 Act, as amended, or the Clean Air Act, as amended, or (2)
22 established by the Federal Government or by any State or
23 local government pursuant to such Acts. Such requirements
24 shall be incorporated in any program developed pursuant to

1 this Act and shall be the water pollution control and air
2 pollution control requirements applicable to such program.

3 "ANNUAL REPORT

4 "SEC. 315. (a) The Secretary shall prepare and sub-
5 mit to the President for transmittal to the Congress not later
6 than November 1 of each year a report on the administra-
7 tion of this title for the preceding fiscal year. The report
8 shall include but not be restricted to (1) an identification
9 of the coastal State programs approved pursuant to this
10 title during the preceding Federal fiscal year and a de-
11 scription of those programs; (2) a listing of the coastal
12 States participating in the provisions of this title and a de-
13 scription of the status of each coastal State's programs and
14 its accomplishments during the preceding Federal fiscal
15 year; (3) an itemization of the allotment of funds to the
16 various coastal States and a breakdown of the major proj-
17 ects and areas on which these funds were expended; (4)
18 an identification of any coastal State programs which
19 have been reviewed and disapproved or with respect
20 to which grants have been terminated under this title, and
21 a statement of the reasons for such action; (5) a listing of
22 the Federal development projects which the Secretary has
23 reviewed under section 314 of this title and a summary of
24 the final action taken by the Secretary with respect to each
25 such project; (6) a summary of the regulations issued by

1 the Secretary or in effect during the preceding Federal fiscal
 2 year; (7) a summary of outstanding problems arising in the
 3 administration of this title in order of priority; and (8) such
 4 other information as may be appropriate.

5 “(b) The report required by subsection (a) shall con-
 6 tain such recommendations for additional legislation as the
 7 Secretary deems necessary to achieve the objectives of this
 8 title and enhance its effective operation.

9 “AUTHORIZATION OF APPROPRIATIONS

10 “SEC. 316. (a) There are authorized to be ap-
 11 propriated—

12 “(1) the sum of \$12,000,000 for the fiscal year
 13 ending June 30, 1973, and such sums as may be neces-
 14 sary for the fiscal years 1974 through 1977 for grants
 15 under section 305, to remain available until expended;

16 “(2) such sums, not to exceed \$50,000,000, as may
 17 be necessary for the fiscal year ending June 30, 1973,
 18 and such sums as may be necessary for each succeeding
 19 fiscal year thereafter for grants under section 306 to
 20 remain available until expended; and

21 “(3) such sums, not to exceed \$6,000,000 for the
 22 fiscal year ending June 30, 1973, as may be necessary
 23 for grants under section 313.

24 “(b) There are also authorized to be appropriated to
 25 the Secretary such sums, not to exceed \$1,500,000 annually,

1 as may be necessary for administrative expenses incident to
2 the administration of this title.

3 “(c) (1) The Administrator of the National Oceanic
4 and Atmospheric Administration of the Department of Com-
5 merce, after consultation with the Secretary of the Interior
6 and the Administrator of the Environmental Protection
7 Agency, shall enter into appropriate arrangements with the
8 National Academy of Sciences to undertake a full investi-
9 gation of the environmental hazards attendant on offshore
10 oil drilling on the Atlantic Outer Continental Shelf. Such
11 study should take into consideration the recreational, marine
12 resources, ecological, esthetic, and research values which
13 might be impaired by the proposed drilling and shall include
14 recommendations to eliminate such environmental hazards,
15 if any. A report shall be made to the Congress, to the Ad-
16 ministrator, and to the Secretary by July 1, 1973.

17 “(2) There are authorized to be appropriated for the
18 fiscal year in which this Act is enacted and for the next fiscal

- 1 year thereafter such sums as may be necessary to carry out
- 2 this subsection, but the sums appropriated may not exceed
- 3 \$500,000.”

Passed the Senate April 25, 1972.

Attest:

FRANCIS R. VALEO,

Secretary.

92d CONGRESS
2d Session

S. 3507

AN ACT

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

APRIL 26, 1972

Referred to the Committee on Merchant Marine and
Fisheries